UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/466,113 | 12/17/1999 | JAMES P. KETRENOS | INTL-0248-US | 9791 |

| 7590 | 08/09/2005 |
|---|---|

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| EXAMINER |
|---|
| MIRZA, ADNAN M |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2145 | |

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>14 May 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *  c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

Examiner withdraws the Finality of the previous office action and issued new office action.

### *Claim Rejections - 35 USC § 103*

2.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.      Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stakutis et al

and in view of Wlaschin (U.S. 6,182,121).

As per claims 1,8,17 Stakutis disclosed a method comprising: receiving a request for a portion of

a file system by a client (notifying whether the portion is stored in a first location associated with

portions of the file system that have been previously stored by the client (col. 9, lines 34-35 &

col. 6, lines 48-60);

However Stakutis did not disclose in details if not, determining whether the portion is stored in a

second location associated with portions of the file system that were streamed to the client by a

server.

In the same field of endeavor Wlaschin disclosed Partitions can be of various types. Journal

partitions may be written to by a user and contain the user's updates to shared data items. In

preferred embodiment, journal partitions reside on a storage device associated with a client

computer in a client-server architecture (col. 4, lines 18-29).

It would have been obvious to one having ordinary skill in the art at the time the invention was

made to have incorporated Partitions can be of various types. Journal partitions may be written to

by a user and contain the user's updates to shared data items. In preferred embodiment, journal

partitions reside on a storage device associated with a client computer in a client-server

architecture by Wlaschin in the method of Stakutis to improve the method's storing capability

and make the file allocation method more diverse.

4.      As per claim 2,15,19 Stakutis-Wlaschin disclosed further comprising retrieving the

portion from the server if not stored in the second location (Wlaschin, col. 18, lines 15-28).

5.      As per claim 3,13 Stakutis-Wlaschin disclosed wherein identifying further comprises

associating portions of the file system used by the client during start-up with the first location

(Wlaschin, col. 4, lines 18-29).

6.      As per claims 4,14,19 Stakutis-Wlaschin disclosed wherein determining further

comprises associating the second location with portions of the file system that were streamed to

the client using a multicast operation (Stakutis, col. 9, lines 29-49).

7.      As per claims 5,22,23 Stakutis-Wlaschin disclosed wherein associating further

comprises: monitoring accesses to a plurality of portions of the file system during start-up;

retrieving the plurality of portions from the file system; and storing the plurality of portions in

the first location (Stakutis, col. 9, lines 8-18).


8.      As per claim 6,20,21 Stakutis-Wlaschin disclosed wherein associating further

comprises: retrieving a plurality of portions from the file system using multicasting; and storing

the plurality of portions in the second location (Stakutis, col. 9, lines 21-29).


9.      As per claim 7,24 Stakutis-Wlaschin disclosed further comprising waiting for the

portion 2 to be streamed to the client if not stored in the second location (Wlaschin, col. 4, lines

56-64).


10.     As per claim 9 Staktuis-Wlaschin disclosed wherein the first location is a non-volatile

storage medium (Wlaschin, col. 6, lines 24-28).


11.     As per claim 10,18 Stakutis-Wlaschin disclosed wherein the non-volatile storage

medium is a flash memory device (Stakutis, col. 8, lines 47-54).


12.     As per claim 11 Stakutis-Wlaschin disclosed wherein the second location is a volatile

storage medium (Stakutis, col. 5, lines 38-49).

13.     As per claim 12 Stakutis-Wlaschin disclosed wherein the volatile storage medium is a memory device (Stakutis, col. 2, lines 32-46).


14.     As per claim 16 Stakutis-Wlaschin disclosed wherein the contents of the second location are procured as a background operation (Wlaschin, col. 11, lines 26-35)


*Conclusion*


15.     Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.


16.     The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.


17.     The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label

"PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED

PROCEDURE"),

(703)-746-7238 (For After Final Communications).

18.     Any Inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

        Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

        Hand-delivered responses should be brought to 4th Floor Receptionist, Crystal Park II,

2021 Crystal Drive, Arlington, VA 22202.

Adnan Mirza

Examiner

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER